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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,134	03/01/2000	ShaoWei Pan	CE08539R	3918

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MOTOROLA, INC.
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EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/516,134

Applicant(s)

PAN ET AL.

Examiner

Tilahun B Gesesse

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to applicant's response filed June 30, 2004, in which claims 1-14 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Rinchiuso et al "Rinchiuso" (6,104,709).

Claim 1, Rinchiuso discloses a method for assigning a remote unit a channel (a common supplemental channel is assigned 607 of figure 6) within a wireless communication system (figure 1), the method comprising:

Rinchiuso discloses receiving a plurality of uplink transmissions from a plurality of remote units (113-117) involved in a multicast session "group call" (plurality of

Art Unit: 2684

remotes requested participation in the multicast session, column 3, lines 43-44 and figure 1).

Rinchuso discloses determining the remote unit (113) from the plurality of remote units (113-117), wherein the remote unit is determined based on energy of the remote unit's uplink transmission (column 7, lines 38-54 and column 4, lines 16-18 and figure 6).

Rinchuso discloses assigning the remote unit a high-data-rate uplink channel based on the determination (a common supplemental channel is assigned to remote , column 7, lines 60-62 and figure 6).

Claim 2, Rinchuso discloses receiving the plurality of uplink transmissions from the plurality of remote units comprises the step of receiving a plurality of traffic channel transmissions from the plurality of remote units (column 7, lines 37-52).

Claim 3, Rinchuso discloses determining the remote unit comprises the step of determining the remote unit from the plurality of remote units, wherein the remote unit has a highest energy uplink transmission (column 7, lines 38-54 and column 4, lines 16-18 and figure 6).

Claim 4, Rinchuso discloses assigning the remote unit the high-data-rate channel comprises the step of assigning the remote unit a supplemental channel (a common supplemental channel is assigned to remote , column 7, lines 60-62 and figure 6).

Claim 5, Rinchuso discloses receiving data from the remote unit via the high-data-rate channel (a common supplemental channel is assigned to remote , column 7,

Art Unit: 2684

lines 60-62 and figure 6) and broadcasting the data to the plurality of remote units via a high-data-rate downlink channel (column 7, lines 50-52).

Claim 6, Rinchioso discloses receiving a second plurality of uplink transmissions from a plurality of remote units (claims 1 and 5); determining a second remote unit from the plurality of remote units, wherein the remote unit is determined based on an energy of the remote unit's uplink transmission (claims 1 and 5) and assigning the remote unit the high-data-rate uplink channel based on the determination(claims 1 and 5).

Claim 7, Rinchioso discloses a method for assigning a remote unit a channel (a common supplemental channel assigned , 607 of figure 6) within a wireless communication system (figure 1), the method comprising:

Rinchioso discloses receiving a plurality of uplink transmissions from a plurality of remote units (113-117) involved in a multicast session "group call" (plurality of remotes requested participation in the multicast session, column 3, lines 43-44 and figure 1).

Rinchioso discloses determining the remote unit (113) from the plurality of remote units (113-117), wherein the remote unit is determined based on energy of the remote unit's uplink transmission (column 7, lines 38-54 and column 4, lines 16-18 and figure 6).

Rinchioso discloses assigning the remote unit a high-data-rate uplink channel based on the determination (a common supplemental channel is assigned to remote , column 7, lines 60-62 and figure 6).

Claim 8, Rinchiuso discloses receiving data from the remote unit via the second uplink communication signal (figure 1) and broadcasting the data to substantially all of the plurality of remote units (column 50-52).

Claim 9, Rinchiuso discloses receiving a plurality of uplink communication transmissions comprises the step of receiving a plurality of uplink traffic channel transmissions (column 8, lines 32-38).

Claim 10, Rinchiuso discloses assigning the remote unit a second uplink communication signal comprises the step of assigning the remote unit a high-speed data channel (column 4, lines 55-65).

Claim 11, Rinchiuso discloses an apparatus (figure 2) comprising: channel circuitry (140 of figure 2) having a plurality of uplink communication signals, transmitted from a plurality of remote units, as an input (plurality of remotes (113-117) transmit uplink signal to base station, figure 2) and a logic unit (136) having a channel assignment command as an input, wherein the channel assignment command is a command to assign a remote unit, from the plurality of remote units, a high-speed data channel based on the energy of the remote unit's uplink communication signal (a common supplemental channel is assigned, 607 of figure 6 and column 7, lines 50-52). It is considered that supplemental channel assigned to remote unit is high-speed data channel.

Claim 12, Rinchiuso discloses the channel circuitry is traffic channel circuitry (figure 2).

Claim 13, Rinchiuso discloses the high-speed data channel is a supplemental channel.(figure 2 and column 3, lines 60-column 4, lines 24).

Claim 14, Rinchiuso discloses the remote unit has a highest energy of the plurality of remote units (column 4, lines 16-24).

Response to Arguments

4. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

.Chinitz et al (5,914,958) discloses a quality dispatch service on a CDMA based wireless system. In response to a request by a talkgroup member to have a group call established, listing-only members are allowed to establish a low rate signal link in the reverse direction for the limited purpose, while requesting a talkgroup member allowed to establish high data rate link, see figure 5 and abstract.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

Art Unit: 2684

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tilahun Gesesse
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US Patent and Trademark Office
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TILAHUN GESESSE
PATENT EXAMINER

September 30, 2004